



THE IOWA DISTRICT COURT FOR BLACK HAWK COUNTY



THOMAS HART, Plaintiff(s),)

vs.)

TYSON FRESH MEATS, INC.,)
Defendant(s).)

CASE NO. LACV146584

CIVIL ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant(s) in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The name and address of the attorney for the plaintiff(s) are NATHANIEL R. BOULTON, 100 COURT AVE, STE 425, DES MOINES, IA 50309, and MARLON MORMANN, 3320 KINSEY AVENUE, DES MOINES, IA 50317. The attorneys' phone number are (515) 288-4148 and (515) 710-0902; facsimile number is (515) 288-4149.

You are further notified that the above case has been filed in a county that utilizes electronic filing. Unless, within 60 days after service of this original notice upon you, you serve, and within a reasonable time thereafter file a motion or answer, in the Iowa District Court for Black Hawk County, at the courthouse in WATERLOO, Iowa, judgment by default will be rendered against you for the relief demanded in the petition. Please see Iowa Court Rules Chapter 16 for information on electronic filing and Iowa Court Rules Chapter 16, division VI regarding the protection of personal information in court filings.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (319) 833-3274. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942)

IMPORTANT: YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS

Iowa Judicial Branch

Case No. **LACV146584**
County **Black Hawk**

Case Title **THOMAS HART VS TYSON FRESH MEATS INC**

You must file your Appearance and Answer on the Iowa Judicial Branch eFile System, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless the court has excused you from filing electronically (see Iowa Court Rule 16.302).

Register for the eFile System at www.iowacourts.state.ia.us/Efile to file and view documents in your case and to receive notices from the court.

For general rules and information on electronic filing, refer to the Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules at www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf.

Court filings are public documents and may contain personal information that should always be kept confidential. For the rules on protecting personal information, refer to Division VI of chapter 16 of the Iowa Court Rules and to the Iowa Judicial Branch website at www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/.

Scheduled Hearing:

If you need assistance to participate in court due to a disability, call the disability access coordinator at **(319) 833-3332**. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). For more information, see www.iowacourts.gov/for-the-public/ada/. **Disability access coordinators cannot provide legal advice.**

Date Issued **10/25/2022 11:06:59 AM**



District Clerk of Court or/by Clerk's Designee of Black Hawk County
/s/ Stephanie Schueth

IOWA DISTRICT COURT FOR BLACK HAWK COUNTY

THOMAS HART, Plaintiff, v. TYSON FRESH MEATS, INC., Defendant.	Case No. LACV146584 PETITION
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COMES NOW Plaintiff Thomas Hart, by counsel, and for his cause of action against Tyson Fresh Meats, Waterloo, Iowa, states as follows:

PARTIES AND INTRODUCTION

1. This is an action brought pursuant to Iowa Code Chapter 91A.
2. At all times material hereto, Plaintiff Thomas Hart was a citizen and resident of Black Hawk County, Iowa.
3. At all times material hereto, Defendant Tyson Fresh Meats, Inc., operated a business in Iowa as an Iowa employer at its facility in Waterloo, Black Hawk County, Iowa.

FACTUAL BACKGROUND

4. Plaintiff was employed by the Defendant at its facility in Waterloo, Iowa, beginning September 1, 1994.
5. Before Plaintiff began employment with Defendant, Defendant and Plaintiff entered into an employment contract, stipulating that during the time Plaintiff would be employed by Defendant, Defendant would pay Plaintiff a bi-weekly salary throughout the year for work as a Plant Manager.

6. In addition to weekly wages, and pursuant to written policy, Defendant promised to pay Plaintiff wages through an Annual Incentive Plan (AIP).

7. Defendant paid Plaintiff for his weeks worked in 2020.

8. On November 13, 2020, the AIP decision making process was closed by Defendant.

9. On November 16, 2020, managers were able to view and print AIP wage amounts for their employees.

10. On November 18, 2020, Plaintiff was informed of entitlement to approximately \$125,000 in AIP wages.

11. On November 19, 2020, Defendant suspended Plaintiff's employment.

12. On November 25, 2020, other employees working for Defendant received by direct transfer to bank accounts their accrued AIP wages.

13. On November 25, 2020, Defendant failed to pay Plaintiff his AIP wages of approximately \$125,000.

14. Defendant discharged Plaintiff from employment December 15, 2020.

15. Defendant refused to pay Plaintiff for his AIP wages earned, accrued and the amount liquidated, to date of this petition.

16. The AIP monies are wages covered by Chapter 91A.

COUNT I – WITHHOLDING WAGES IN VIOLATION OF IOWA CODE

CHAPTER 91A

17. Defendant intentionally withheld wages from Plaintiff in violation of Iowa Code § 91A.

18. Because Defendants' withholding was intentional, Plaintiff is entitled to liquidated damages under Iowa Code § 91A.

19. Defendants are also liable for expenses, court costs, interest, and attorney's fees pursuant to Iowa Code § 91A.

WHEREFORE Plaintiff respectfully requests the Court enter judgment in favor of Plaintiff in an amount that will fully and fairly compensate him for his unpaid wages, liquidated damages, expenses, court costs, interest, attorney's fees, and such other relief as the Court deems just and proper.



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